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PTO/SB/81 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) SwRI-2749A
<p>First Named Inventor: FURMAN, et al. Art Unit: 1773</p> <p>Application Number: 09/726,769 Examiner: Hoa T. Le</p> <p>Filed: 11/29/2000</p> <p>Title: Methods of Functionalizing and Functionalized Metal Oxide Particles and Mechanically Strong and Transparent or Translucent Composites Made Using Zirconium Oxide Nanoparticles</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.</p> <p>1. Petition fee <input checked="" type="checkbox"/> Small entity – fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of <u>Response to Non-Final Office Action</u> (Identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> Is enclosed herewith.</p> <p>B The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> Is enclosed herewith.</p>	

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (09-04)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

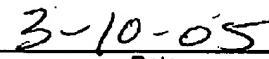
- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature



Date

Paula D. Morris

31,516

Typed or printed name

Registration Number, if applicable

The Morris Law Firm, P.C.

(713) 334-5151

Address

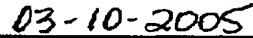
Telephone Number

10260 Westheimer, Suite 360, Houston, TX 77042

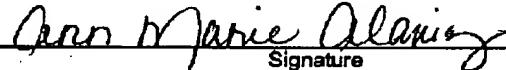
Address

Enclosure Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay Credit Card Payment form PTO-2038**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

 deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.


Date



Signature

Ann Marie Alaniz

Typed or printed name of person signing certificate

[Page 2 of 3]

PTO/SB/61 (09-04)

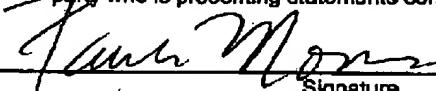
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Paula D. Morris

Typed or printed name

03-10-2005

Date

31,516

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Please see attached paper.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Furman et al.

§ Group Art Unit: 1773

§

Examiner: Hoa T. Lee

§

Serial No.: 09/726,769

§

Atty. Docket: SwRI-2749A

§

Filed: November 29, 2000

§

For: Methods of Functionalizing and Functionalized Metal Oxide Particles and
 Mechanically Strong and Transparent or Translucent Composites Made
 Using Zirconium Oxide Nanoparticles

MAIL STOP PETITION

Commission for Patents

PO BOX 1450

Alexandria, VA 22313-1450

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MAR 10 2005

SHOWING OF CAUSE OF UNAVOIDABLE DELAY
ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

During March of 2003, the firm¹ moved. On March 27, 2003, a "Request for Customer Number Data Change" was filed with the United States Patent Office to change the firm's address for all applications under Applicant's customer number. A copy of the Notice of Customer Number Record Change dated March 28, 2003 is attached.

During the fall of 2004, the undersigned noted in PAIR that an office action had issued in the referenced case, but that the office action had not been received by the undersigned. I had observed some delay between issuance of an office action and actual mailing, so I allowed some time to pass before further inquiry. After several months, I left a message with the examiner inquiring of the whereabouts of the missing office action. I heard nothing. Before the six month deadline elapsed--I called and left another message with the person to whom I was directed as responsible for mailing out office actions for Group 1700.

On January 26, 2005, I received a telephone call from Angela Jones of the U.S. Patent and Trademark Office. During that telephone call, I learned that the non-final office action had been mailed to the firm's previous address, and that the office action had been returned to the Patent Office. Apparently, the case was never connected with the firm's customer number and the change of address was never recorded in this case.

¹ Paula D. Morris & Associates, P.C., currently d/b/a The Morris Law Firm, P.C.

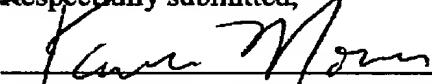
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant agreed to file a change of correspondence address form, and Ms. Jones indicated that the office action would be forwarded to the new address. Applicant received the Non-Final Office Action on February 16, 2005, which was after the six month deadline for filing a response to non-final action.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition, was unavoidable.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments related to this response to Deposit Account No. 50-0997 (SWRI-2749A), maintained by Paula D. Morris & Associates, P.C. d/b/a The Morris Law Firm, P.C..

Respectfully submitted,



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